

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ESHED ALSTON,	§
	§ No. 391, 2012
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
DELAWARE STATE	§ C.A. No. 10C-10-026
UNIVERSITY, et al.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: July 27, 2012

Decided: July 31, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**

This 31st day of July 2012, it appears to the Court that:

(1) On July 17, 2012, the Court received the appellant's notice of appeal from the Superior Court's order dismissing his complaint, which was dated and entered upon the docket on March 31, 2011.<sup>1</sup> Pursuant to Supreme Court Rule 6, a timely notice of appeal from the March 31, 2011 order should have been filed on or before May 2, 2011.<sup>2</sup>

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<sup>1</sup> The appellant also appeals from the Superior Court's September 29, 2011 orders denying his motion for reargument, his motion for relief from judgment and his motion for sanctions.

<sup>2</sup> A timely notice of appeal from the Superior Court's September 29, 2011 orders should have been filed on or before October 31, 2011.

(2) On July 17, 2012, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on July 27, 2012. In his response, which he entitles a motion for a continuance, the appellant states that he has four pending lawsuits and needs at least thirty days to “get all these things in proper order.” The appellant provides no other explanation for his untimely notice of appeal.

(3) Pursuant to Rule 6(a) (i), a notice of appeal in a civil matter must be filed within thirty days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.<sup>3</sup> A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.<sup>4</sup> An appellant’s *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>5</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.<sup>6</sup>

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<sup>3</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>4</sup> Supr. Ct. R. 10(a).

<sup>5</sup> *Carr v. State*, 554 A.2d at 779.

<sup>6</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.<sup>7</sup>

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>7</sup> The appellant's four additional documents filed in the Court on July 27, 2012 are hereby STRICKEN. Supr. Ct. R. 34.